IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 6811 of 2003

Between:

M.Raja Mouli,

S/o.Venkataiah, aged about

26 years, Occ: Conductor,

E.No.321137, R/o.H.No.15-3-720, L.B.Nagar

Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1. A.P. State Road Transport Corporation,

Rep. By its Managing Director, Musheerabad,

Hyderabad

2. The Depot Manager, A.P.S.R.T.C.,

Godavarikhani, Karimnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 2nd respondent and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the order passed by the 2nd respondent in proceedings No.02/95(3)/03-GDK, dated 10.3.2003, deleting the name of the petitioner from the select list as illegal, unjust, contrary to law, arbitrary, in violation of principles of natural justice, amounts to unfair labour practice, without jurisdiction and violative of Articles 14, 16 and 21 of the Constitution of India, and grant all consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: Smt.P.Rajani Reddy, S.C. for A.P.S.R.T.C.

The Court made the following :

ORAL ORDER:

The petitioner questions the order dated 10.3.2003 of the 2nd respondent in deleting his name from the approved/select list of the Conductors on the ground that the petitioner involved in a case of serious cash and ticket irregularities on 17.1.2003; and the petitioner having collected Rs.3/- from a lady passenger, failed to issue the ticket to her and closed the S.R.(Statistical Return) without completing the process of issuing tickets. Pursuant to the said allegations, a show cause notice was issued, for which the petitioner submitted his explanation. Having disbelieved the explanation submitted by the petitioner, the 2nd respondent passed the impugned order deleting the name of the petitioner from the approved/select list of the Conductors and stated that the petitioner's explanation to the show cause notice is not all satisfactory. Pursuant to the interim direction granted by this Court on 11.6.2003, the petitioner is in continuous service of the respondents.

It is not in dispute that the petitioner was selected by a properly constituted selection committee and appointed as a Casual Conductor. Though the services of the petitioner were not regularised, the discontinuance of the petitioner from service by deleting his name from the approved/select list of the Conductors without there being any regular enquiry can be interfered with.

This Court has taken a view that though the regulations of A.P.S.R.T.C. are not applicable to the Casual Conductors, they cannot be sent out of the casual services of the respondents by passing stigmatic orders, which will affect the future employment of

the petitioner. Following the earlier judgments of this Court, the impugned order, dated 10.3.2003 is set aside.

The writ petition is accordingly allowed, however, this will not preclude the respondents from conducting any enquiry and take appropriate action if they so choose. There shall be no order as to costs.

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(V.ESWARAIAH, J.)

That Rule Nisi has been made absolute as above.

Witness the Honourable Sri Devinder Gupta, the Chief Justice on this Monday the Fourth day of October, Two Thousand and Four.

4th October, 2004.

Bcj

To

1. The Managing Director, A.P. State Road Transport Corporation,

Musheerabad, Hyderabad

2. The Depot Manager, A.P.S.R.T.C.,

Godavarikhani, Karimnagar District.

3. Two C.D. copies.